

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 2378 of 2000

and

CIVIL APPLICATION NO. 9459 OF 2000

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA

and

Hon'ble MR.JUSTICE D.A.MEHTA

- =====
1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

UNITED INDIA INSURANCE CO LTD

Versus

SAVITABEN WD/O NATVARLAL MAASUKHLAL

Appearance:

MR AR MEHTA for appellant

MR RN SHAH for MR MR SHAH for Respondent Nos.1 & 2,i.e.
original claimants.

No one is present on behalf of the respondent no.3 -
Saiyeed Sikandar Mansuri (Driver), and respondent no. 4 -
Saiyeed Sikdar Mansuri (Owner) of the vehicle in question
despite service.

CORAM : MR.JUSTICE M.R.CALLA

and

MR.JUSTICE D.A.MEHTA

Date of decision: 29/11/2000

ORAL JUDGEMENT

(Per : MR.JUSTICE M.R.CALLA)

This appeal under the Motor Vehicles Act is directed against the order dated 21st Feb.2000 passed by the Motor Accident Claims Tribunal (A), Godhra, Dist. Panchmahal in M.A.C.P. No. 1298/97 whereby the claim has been partly allowed and all the opponents have been held to be jointly and severally liable to pay the compensation to the original claimants to the tune of Rs.2,20,000/- with interest at the rate of 12% per annum from the date of the application till its realisation with cost of the application to the applicants, after deducting the Court fees as the application was filed in forma pauperis.

In response to the notice of admission, Mr.R.N.Shah has appeared on behalf of the original claimants, i.e. respondents nos.1 and 2 and has submitted that the decree as has been passed may be modified for payment of Rs.1,92,000/- plus interest and cost instead of Rs.2,20,000/- as ordered by the Tribunal.

We have heard learned Counsel. In the facts and circumstances of this case, we find that the suggestion of Mr.R.N.Shah on behalf of the claimants is quite reasonable and the ends of justice would be served if the decree is modified for a sum of Rs.1,92,000/- plus interest and cost instead of Rs.2,20,000/- as ordered by the Tribunal. The order dated 21st Feb.2000 passed by the Motor Accident Claims Tribunal (A), Godhra at Panchmahal, in M.A.C.P. No. 1298/97 is accordingly modified. This appeal is partly allowed to the extent above.

Mr.Mehta on behalf of the appellant has stated that the amount as ordered by this Court shall be deposited at the earliest, but in no case, later than 31st Dec.2000. As and when such amount is deposited, the claimants, i.e. original respondents nos.1 and 2 shall be able to withdraw the same. The sum of Rs.25,000/- as has been deposited in this Court while filing the appeal shall be transmitted to the concerned Tribunal forthwith and that amount shall be considered against the amount which is required to be paid to the claimants as per this Court's order.

Whereas the main appeal itself has been decided, there is no question of any stay in this Civil

Application. This Civil Application is accordingly
rejected. Rule is hereby discharged.

29th Nov.2000 (M.R. Calla, J.)

(D.A. Mehta, J.)

Sreeram.